

ORIGINAL

*to mos J Smyser*

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JUL 11 2003

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**SABA, ENDLER & ASSOCIATES, L.L.P.**

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Dr. Peter J. Terhaar

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UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MANUEL RAMOS,	:	CIVIL NO. 1:-CV-00-1957
	:	
Plaintiff	:	(Judge Jones)
	:	
v.	:	(Magistrate Judge Smyser)
	:	
MARGARET HARDEN,	:	
DR. MCGLORI,	:	
DR. MAXIMO R. VELASCO, JR.,	:	
DR. ANTHONY BUSSANICH,	:	JURY TRIAL DEMANDED
and DR. PETER J. TERHAAR,	:	
	:	
Defendants	:	

**DEFENDANT, DR. PETER J. TERHAAR'S STATEMENT OF  
MATERIAL FACTS IN SUPPORT OF HIS  
MOTION FOR SUMMARY JUDGMENT**

1. In his Amended Complaint, Plaintiff alleges that Dr. Terhaar was deliberately indifferent to Plaintiff's serious medical needs in that he

negligently performed a surgery on Plaintiff's hand without informing Plaintiff that it was experimental, and that as a result of Dr. Terhaar's treatment, Plaintiff has permanent numbness in his hand.

2. In his July 19, 2002 recommendation and report, Magistrate Judge J. Andrew Smyser noted that Plaintiff's Amended Complaint may be construed to raise state law malpractice and lack of informed consent claims as well as possibly a substantive due process claim based on the alleged failure to inform the Plaintiff that the surgery was experimental (See Document 38, footnote 3).

3. Pursuant to the Case Management Order, Plaintiff was required to submit expert reports to Defendants on or before June 30, 2003.

4. Plaintiff has not submitted any expert report.

5. Because Plaintiff has no expert testimony to support his